

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GUCCI AMERICA, INC.

Plaintiff,

-against-

FRONTLINE PROCESSING CORPORATION;
WOODFOREST NATIONAL BANK; DURANGO
MERCHANT SERVICES LLC d/b/a NATIONAL
BANKCARD SYSTEMS OF DURANGO; ABC
COMPANIES; and JOHN DOES,

Defendants.
-----X

09 Civ. 6925 (HB)

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL PURSUANT
TO FED. R. CIV. P. 42(a)(2)**

This matter is before the Court on the joint application of Plaintiff Gucci America, Inc. ("Gucci") and Defendant Frontline Processing Corporation ("Frontline").

WHEREAS, Gucci commenced the above-captioned action by the filing of a Complaint on or about August 5, 2009; and

WHEREAS, on or about October 30, 2009, the Defendants moved to dismiss the Complaint; and

WHEREAS, on or about June 23, 2010, the Court entered an order denying Defendants' motion to dismiss; and

WHEREAS, Gucci and Frontline entered into a confidential settlement agreement providing for the release of Gucci's claims against Frontline; and

WHEREAS, without admitting any factual or legal allegation, claim alleged, or defense asserted, Gucci and Frontline have consented to the entry of this Dismissal Order pursuant to Federal Rule of Civil Procedure 41(a)(2).

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that:

1. All claims asserted by Gucci against Frontline are dismissed with prejudice;
2. Each of the Parties shall bear its own costs, expenses and attorney' fees associated with the prosecution and defense of this action;
3. This Court shall retain jurisdiction over this matter for purposes of enforcement of the terms of the parties' confidential settlement agreement, which are incorporated herein by reference; and
4. All unresolved pending motions in this action between Gucci and

Frontline shall be denied as moot & the Clerk is instructed to remove this lawsuit from my docket.
SO STIPULATED AND AGREED.

Dated: August 27, 2010

GIBSON, DUNN & CRITCHER, LLP

By: 

Robert L. Weigel
Howard S. Hogan
Jennifer C. Halter
200 Park Avenue, 47th Floor
New York, New York 10166
Telephone: (212) 351-3845

Attorneys for Plaintiff Gucci America, Inc.

Dated: August 19, 2010

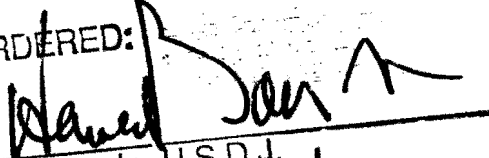
CROWLEY ELECK PLLP

By: 

Herbert I. Pierce, III
Jeffrey J. Oven
500 Transwestern Plaza II
490 North 31st Street
P.O. Box 2529
Billings, Montana 59103-2529

Attorneys for Defendant Frontline Processing Corporation

SO ORDERED:


Harold Baer, Jr., U.S.D.J.

Date: 10/1/10